IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 20489 of 2007(L)

PETITIONERS:

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1. NIRMALA COLLEGE OF INFORMATION TECHNOLOGY, KAVALAKKAT VATTOLY BUILDING, REP.BY SAJEEV VATTOLY, PRINCIPAL/CO-ORDINATOR, MAHATMA GANDHI UNIVERSITY, AFFILIATION NO.56 OFF-CAMPUS, CHALAKKUDY, THRISSUR DISTRICT.

2. MILTON THOMAS, THARAKAN HOUSE, LALOOR ROAD, ARANATTUKARA P.O., THRISSUR.

3. ABHILASH BABU K.V., KAITHAVALAPPIL HOUSE, CHERAI P.O., ERNAKULAM - 683 514.

4. VIPIN MOHANAN, CHAKKAYIL HOUSE, P.O.MATTATHURKUNNU, KODAKARA VIA, VASUPURAM - 680684, THRISSUR.

5. RAHUL K.P., KARROR PISHARAM, MANAKULANGARA P.O., KODAKARA, THRISSUR - 680684.

BY ADV. SRI.JIJO PAUL

RESPONDENTS:

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1. KERALA STATE ROAD TRANSPORT CORPORATION REP.BY ITS MANAGING DIRECTOR, TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM.

2. THE ASSISTANT TRANSPORT OFFICER, K.S.R.T.C. DEPOT, THRISSUR.

3. THE ASSISTANT TRANSPORT OFFICER, K.S.R.T.C. DEPOT, CHALAKKUDY.

4. THE ASSISTANT TRANSPORT OFFICER, K.S.R.T.C.DEPOT, ALUVA.

5. THE ASSISTANT TRANSPORT OFFICER, K.S.R.T.C. DEPOT, ANGAMALLY.

BY ADV. SHRI.JOHNSON P.JOHN, SC, KSRTC

BY SRI.K.PRABHAKARAN, SC FOR KSRTC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 20489 OF 2007 - L

Dated this the 27th day of July, 2007

J U D G M E N T

The first petitioner is the Nirmala College of Information Technology which is an Off-Campus Study Centre of the Mahatma Gandhi University. The petitioners 2 to 5 are students of that college. They are aggrieved by the action of the Kerala State Road Transport Corporation in refusing to issue students' concession tickets to the students of the first petitioner- college. The petitioners seek the following reliefs in this writ petition:-

> "i. Issue a writ of mandamus or any other appropriate writs, orders or directions directing the respondents to issue bus concession tickets to the students of the first petitioner institute, an Off-Campus Centre of the M.G.University, who are undergoing Distance Education Programme under the M.G.University during the period of their study;
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> ii) grant such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. The K.S.R.T.C. has filed an affidavit. Their objections are two fold. As per Ext.R1(a) Prospectus, the college has fixed the minimum number of days for study

which would work out to only 60 days in an year and therefore, the Scheme of study is aimed to offer courses to persons who are engaged in other callings or professions and other persons who are excluded for regular course and therefore, the Corporation is not bound to provide concession tickets to persons who are earning and engaged in part time study. Second is that the college is an Off-Campus Study Centre which is not within the area of operation of the University and therefore, the concession tickets cannot be extended to students of that college.

3. I am not impressed by both the objections. The petitioners have categorically asserted that they are studying from 9 am to 5 pm like any other students of any other college for at least five days a week through out a year and just because the prospectus prescribes a minimum period of study, the fact that they are in fact studying through out a year does not change. The petitioners further contend that insofar as they are affiliated to the M.G.University, the fact that the first

petitioner is an Off-Campus institution does not disentitle the students of the college from getting students' concession.

4. I have considered the rival contentions in detail. The respondents themselves have produced the latest Government Order as per which the K.S.R.T.C. is to grant students' concession as Ext.R1(b). They rely on clause (G) of the same, which reads thus:-

> "Full time regular students, not engaged in any other calling or profession studying in any recognized educational institution for a recognized course and full time students not engaged in any other calling or profession studying privately in any institution and who have registered their names in any of the Universities in Kerala as a student for a particular course or private study admitted by a University in Kerala, travelling in a stage carriage for a distance not exceeding 40 Kilometers for a single journey for the purpose of attending classes, from residence to institution shall be eligible for concession in City/Town and Ordinary Mofusil Services at the rate of 75% of the fare fixed as per Notification No.G.O(P) No.24/2001/Transport dated 28th September, 2001."

The learned Standing Counsel could not satisfy me that

the students of the first petitioner- college does not come within the criteria fixed in clause (G). In fact, after going through the said clause, I am satisfied that the students of the first petitioner-college come squarely within the criteria laid down therein. Therefore, the petitioners are entitled to the reliefs prayed for. Accordingly, the writ petition is allowed and the respondents are directed to issue bus concession tickets to the students of the first petitioner-college during the period of their study in the college. The same shall be issued within a period of one month from the date of submitting the request for concession tickets by the students. However, insofar as in clause (G) quoted above, the maximum distance for which such students' concession can be given is only 40 Kms., the respondents are not bound to give concession tickets for travel beyond that distance.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007